

REMARKS

Upon entry of the present Amendment, claims 1, 2, 6, 8, 9, 10, 13, 15, 16 and 20 will have been amended to correct informalities in the claim language and to more clearly define the invention, while not substantially narrowing the scope of these claims. For example, claims 1, 8, 13 and 15 will have been amended to replace “remote customer location” with ---remote announcement location--- to clarify that the location of the customer (as opposed to the location of the stored announcement) is not an intended consideration in these claims, although Applicants submit that this distinction was evident in the claim language prior to the subject amendment. Also, claims 1, 8 and 15 will have been amended to clarify that the announcement is ---retrieved--- (from the remote announcement location), as well as “played,” although Applicants submit that retrieving the announcement was evident in the claim language prior to the subject amendment.

Further, claims 2, 9 and 16 will have been amended to delete “voice interactive media server,” which had previously been added by Applicants to define the acronym “VIMS,” as recited in the original claims. Applicants have made this amendment to address the Examiner’s rejection under 35 U.S.C. § 112, first paragraph, discussed below. Applicants respectfully submit that all pending claims are in condition for allowance.

In the above-referenced Official Action, the Examiner rejected claims 2, 9 and 16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserted that the term “voice interactive media server” is not supported by the specification or the drawings, and thus these claims contain subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants respectfully disagree with the Examiner's analysis. First, the acronym VIMS (which stands for "voice interactive media server," as discussed above) was recited in original claims 2, 9 and 16, and was specifically described in the specification (*see, e.g.*, paras. [0028]; [0034]). Second, the fact that VIMS stands for "voice interactive media server" was discussed in each of Applicants' Responses filed during prosecution of the present application (*see, e.g.*, Amendment under 37 C.F.R. § 1.114, filed February 12, 2007, page 7; Reply under 37 C.F.R. § 1.111, filed December 1, 2005, page 6; Reply under 37 C.F.R. § 1.112, filed May 8, 2006, page 5; Reply under 37 C.F.R. § 1.111, filed October 13, 2006, page 10). Third, Applicants amended para. [0028] of the specification in their Amendment under 37 C.F.R. § 1.114, filed February 12, 2007, to specifically state that VIMS stands for "voice interactive media server," which Applicants submitted (and continue to submit) did not add prohibited new matter to the application

However, without acquiescing to the propriety of the Examiner's rejection and for the sole purpose of expediting prosecution and allowance of the pending claims, Applicants have amended claims 2, 9 and 16 to their original form, reciting only "VIMS," and thus the scope of these claims has not changed. The description of the term VIMS in the specification (as originally filed) is sufficient to describe the claim term in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was file, had possession of the claimed invention. Accordingly,

Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Also, in the above-referenced Official Action, the Examiner rejected claims 1–20 under 35 U.S.C. § 103(a) as being unpatentable over KOCH (U.S. Patent Application Publication No. 2004/0111269) in view of ZIMMERS et al. (U.S. Patent No. 6,816,878).

Applicants respectfully traverse the Examiner's rejection, at least for the reasons stated below.

Claims 1 and 8 recite analyzing an announcement identification to determine a remote announcement location where an announcement corresponding to the announcement identification is stored. Similarly, claim 15 recites determining a remote announcement location where an announcement corresponding to the announcement identification is stored.

The Examiner admitted that the primary reference, KOCH, does not disclose sending an announcement identification to a voice extensible markup language platform. The Examiner therefore relied on ZIMMERS et al. to disclose analyzing an announcement identification to determine a remote location where an announcement corresponding to the announcement identification is stored (col. 8, lines 47-67); playing the announcement (col. 11, lines 35-49); and the ability to create or change the announcement without affecting the announcement identification (col. 14, lines 25-66). However, ZIMMERS et al. do not teach or suggest any of these claim elements, as discussed below, especially in view of the clarifying amendments.

The ZIMMERS et al. patent is directed to delivering specific emergency (weather-related) information to certain subscribers based on the subscribers' geographic

locations. See Abstract; col. 11, lines 50-62. The emergency alerts are delivered to the subscriber via telephone, facsimile, electronic mail or other electronic communications initiated by the alert delivery system. See col. 11, lines 29-33.

In this context, col. 8, lines 47-67, of ZIMMERS et al. discusses prefix codes in Emergency Managers Weather Information Network (EMWIN) data that identify a geographic location (*e.g.*, state and county) of alert weather conditions. Determining the location of bad weather conditions does not teach or suggest determining a remote announcement location where an announcement is stored.

Similarly, col. 11, lines 35-49, of ZIMMERS et al. discusses delivering alerts to subscribers by placing outbound telephone calls to subscribers in the alert area. Although delivering an alert may involve playing a message, this portion of ZIMMERS et al. still does not teach or suggest playing the announcement retrieved from the remote announcement location. There is no discussion in ZIMMERS et al. regarding from where an announcement may have been retrieved, and there is no teaching or suggestion that the announcement was retrieved from the geographic location of the weather emergency and/or the potentially affected subscribers.

Lastly, col. 14, lines 25-66, of ZIMMERS et al. discusses fields in an information table 184 for identifying subscriber information, such as zip code, county, state, school district, flood zone code, etc., which can be used to determine whether a particular subscriber ought to be notified of a given alert condition. However, there is no teaching or suggestion of the ability to create or change an announcement without affecting the announcement identification (*i.e.*, which is used to determine the remote storage location of the announcement). Even if the cited portion of ZIMMERS et al. disclosed changing

subscriber information (which it does not), this is still insufficient to teach creating or changing the announcement itself.

Furthermore, there is no proper motivation to combine the teachings of KOCH and ZIMMERS et al., and there is no motivation articulated by the Examiner. KOCH is directed to a personal interactive voice response system having a web-based interface that enables a user to specify treatment of incoming calls based on responses by a calling party. *See Abstract; para. [0009].* In contrast, as discussed above, the ZIMMERS et al. reference is directed to delivering specific emergency (weather-related) information to subscribers based on the subscribers' geographic locations. *See Abstract; col. 11, lines 50-62.* Unlike KOCH, ZIMMERS et al. do not teach or suggest interacting with a calling party (*i.e.*, the system disclosed by ZIMMERS et al. calls subscribers, not the other way around), or otherwise enabling call routing and/or processing decisions. In fact, there is no mention of voice XML in ZIMMERS et al. The Examiner has thus used impermissible hindsight in formulating the posited rejection of the claims, and further has not provided any objective evidence of why one of ordinary skill in the art would have been motivated to modify KOCH with the teachings of ZIMMERS et al.

Accordingly, for all of the reasons stated above, it is requested that the Examiner withdraw the rejections of claims 1, 8 and 15 and provide an indication of their allowability.

With regard to claims 2–7, 9–14 and 16–20, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claims 1, 8 and 15, respectively, which Applicants submit have been shown to be allowable.

Further, dependent claims 2–7, 9–14 and 16–20 are believed to recite features which define further patentable subject matter. For example, claims 2, 9 and 16 relate to a VIMS component, *e.g.*, a component that translates an announcement identification into a corresponding location and retrieves the announcement based upon the location (*see* para. [0034] of the Specification), in addition to an IP component. The portion of KOCH relied upon by the Examiner (Para. 36; Fig. 1) lacks these features, and merely describes an element having an ordinary IP component.

Further, claims 3, 10 and 17 recite encoding the announcement identification so that the IP component recognizes that the VIMS component will perform the processing of the announcement ID. Not only does KOCH lack the claimed VIMS component, but KOCH also lacks any encoding that indicates that a VIMS component should perform processing.

As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims, in addition to reasons related to their own recitations. Accordingly, Applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of April 3, 2007, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089. If the Examiner has any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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